

**R277. Education, Administration.****R277-920. Implementation of the School Turnaround and Leadership Development Act.****R277-920-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in accordance with its responsibilities; and
  - (c) Title 53A, Chapter 1, Part 12, School Turnaround and Leadership Development Act, which requires the Board to make rules to establish:
    - (i) outcome-based measures to designate a low performing school;
    - (ii) an appeal process for the denial of a school turnaround plan;
    - (iii) consequences for a low performing school; and
    - (iv) eligibility criteria, application procedures, selection criteria, and procedures for awarding incentive pay for the School Leadership Development Program.
- (2) The purpose of this rule is to implement and administer the School Turnaround and Leadership Development Act.

**R277-920-2. Definitions.**

- (1) "Appeal committee" means the committee established by Section R277-920-5.
- (2) "Committee" means a school turnaround committee established in accordance with Subsection 53A-1-1204(1) or 53A-1-1205(4).
- (3) "Eligible school" means the same as that term is defined in Section 53A-1-1208.
- (4) "Low performing school" means a school:
  - (a) in the lowest performing:
    - (i) 3% of the high schools statewide according to the percentage of possible points earned under the school grading system; and
    - (ii) 3% of the elementary, middle, and junior high schools statewide according to the percentage of possible points earned under the school grading system; and
  - (b) identified by another measure identified by the Board.
- (5) "Plan" means a school turnaround plan described in Subsection 53A-1-1204(3).
- (6) "School improvement grant" means a Title I grant under the Elementary and Secondary Education Act, 20 U.S.C. Sec. 6303(g).
- (7) "School leader" means the same as that term is defined in Section 53A-1-1209.
- (8) "School turnaround program" means the school turnaround program described in:
  - (a) Sections 53A-1-1203 through 53A-1-1207; and
  - (b) Sections R277-920-3 through R277-920-7.

**R277-920-3. Superintendent's Designation of Low Performing Schools and Waiver Authority.**

- (1) The Superintendent may issue a waiver and exclude a low performing school from participating in the school turnaround program if the low performing school:
  - (a) has been designated a priority school by the Superintendent;
  - (b) received school improvement grant money for the school year immediately following the school year for which the school is being graded; and

(c) is already working with a turnaround expert through the school improvement grant.

(2) If the Superintendent excludes a low performing school from the school turnaround program as described in Subsection (1), the Superintendent shall designate additional schools, outside of the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system, until the school turnaround program includes at least 3% of the total public schools statewide.

(3) When selecting an additional school described in Subsection (2), the Superintendent shall include the next lowest performing schools according to the percentage of possible points earned under the school grading system.

#### **R277-920-4. School turnaround plan submission and approval process.**

(1) In addition to the requirements described in Subsection 53A-1-1204(3), a plan shall include at least the following:

(a) a requirement that the school leaders of the low performing school participate in the School Leadership Development Program described in Section 53A-1-1209 and Section R277-920-8;

(b) a thorough analysis of the root cause of the low performing school's low performance;

(c) a specific and detailed plan to address the root cause of the low performing school's low performance;

(d) if the low performing school is a district school, a request from the local school board or district superintendent for:

(i) additional resources;

(ii) personnel; or

(iii) exemptions from district policy that may be contributing to the low performance of the district school; and

(e) a plan for management of school personnel, including:

(i) recruitment of an educator or school leader; and

(ii) professional development for an educator or school leader.

(2) (a) A local school board or charter school governing board may approve or deny a plan in whole or in part, if the part of the plan the board denies is severable from the part of the plan the board approves.

(b) A local school board or charter school governing board shall give a reason for a denial of each part of a plan.

(3) A local school board or charter school governing board shall submit a plan in accordance with Subsection 53A-1-1204(5)(b) or 53A-1-1205(7)(b) to the Superintendent.

(4)(a) In accordance with Subsection 53A-1-1206(4), the Superintendent shall review and approve or deny a plan in whole or in part, if the part of the plan the Superintendent denies is severable from the part of the plan the Superintendent approves.

(b) The Superintendent shall give a reason for a denial of each part of a plan.

#### **R277-920-5. Appeal process for denial of a school turnaround plan.**

(1) A committee, local school board, or charter school governing board may appeal the denial of a plan, in whole or in part, by following the procedures and requirements of this section.

(2) An appeal authorized by this rule:

- (a) is an informal adjudicative proceeding under Section 63G-4-203; and
- (b) shall be resolved by the date specified in Subsection 53A-1-1206(5)(b).
- (3) (a) A principal, on behalf of a committee, may request that the local school board or the charter school governing board reconsider the denial of a plan:
  - (i) by electronically filing the request:
    - (A) with the chair of the local school board or the charter school governing board; and
    - (B) on a form provided on the USOE website; and
  - (ii) within 5 calendar days of the denial.
- (b) The reconsideration request may include a modification to the plan if the committee approves the modification.
- (c) The local school board or the charter school governing board shall respond to the request within 10 calendar days by:
  - (i) refusing to reconsider its action;
  - (ii) approving a plan, in whole or in part; or
  - (iii) denying a plan modification.
- (d) The principal may appeal the denial of a plan under this Subsection (3):
  - (i) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and
  - (ii) within 5 calendar days of the denial.
- (e) An appeal filed under this subsection shall be resolved in accordance with Subsections (5) and (6).
- (4) A district superintendent, on behalf of a local school board, or a charter school governing board chair, on behalf of a charter school governing board, may appeal the Superintendent's denial of a plan:
  - (a) by electronically filing an appeal with the Superintendent on a form provided on the USOE website; and
  - (b) within 5 calendar days of the denial.
- (5)(a) At least three members of a Board committee, appointed by the Board as the appeal committee, shall review the written appeal.
- (b) The appeal committee may ask the principal, district superintendent, local school board chair, or charter school governing board chair to:
  - (i) provide additional written information; or
  - (ii) appear personally and provide information.
- (c) The appeal committee shall make a written recommendation within 5 business days of receipt of the appeal request to the Board to accept, modify, or reject the plan and give a reason for the recommendation.
- (6) The Board may accept or reject the appeal committee's recommendation and the Board's decision is the final administrative action.

**R277-920-6. Consequences for a low performing school.**

- (1) The Board may impose a consequence described in this section if a low performing school does not improve the school's grade one letter grade or better within the time described in Subsection 53A-1-1207(3).
- (2) The Board may restructure a low performing district school by taking over the low performing district school, or by other means as the Board deems appropriate.
- (3) The Board may restructure a low performing charter school by taking over the

low performing charter school, or by:

- (a) closing the low performing charter school; or
- (b) other means as the Board deems appropriate.

**R277-920-7. Hearing and procedure requirements related to the Board's imposition of a consequences for low performing schools.**

On or before December 1, 2016, the Superintendent shall make recommendations to the Board for changes to this rule regarding hearing and procedure requirements related to the Board's imposition of a consequence as described in Section R277-920-6.

**R277-920-8. School Leadership Development Program.**

(1) A school leader other than a school leader from a low performing school may apply to participate in the School Leadership Development Program if the school leader:

- (a) is assigned to a priority school as designated by the Superintendent; or
- (b) is nominated by the school leader's district superintendent or charter school governing board to participate.

(2) A school leader who meets the requirements of Subsection (1) may apply to participate in the School Leadership Development Program by electronically submitting an application to the Superintendent on a form provided on the USOE website by the date specified on the USOE website.

(3)(a) The Superintendent shall select a school leader to participate in the School Leadership Development Program based on the following selection criteria:

- (i) first priority is given to a school leader who is assigned to a low performing school;
- (ii) second priority is given to a school leader who is assigned to a priority school as designated by Superintendent; and
- (iii) third priority is given to a school leader who is nominated by the school leader's district superintendent or charter school governing board.

(b) Notwithstanding Subsection (3)(a), the Superintendent may give priority to a school leader who has not received prior leadership training before selecting a school leader who has received prior leadership training.

(4)(a) In consultation with the Superintendent and the local school board chair, the district superintendent of a low performing school shall select a district administrator to participate in the School Leadership Development Program to:

- (i) support the school leader participating in the School Leadership Development Program; and
- (ii) assist the school district's local school board to fulfill the requirements of Subsection 53A-1-1204(4).

(b) In consultation with the Superintendent and the governing board chair, the charter director of a low performing school shall select a charter administrator to participate in the School Leadership Development Program to support the school leader participating in the School Leadership Development Program.

(5)(a) In accordance with Subsection 53A-1-1209(4), the Superintendent shall award incentive pay to a school leader within 30 days after the school leader:

- (i) completes the School Leadership Development Program; and
- (ii) submits a written agreement to the Superintendent to work as described in Subsection 53A-1-1209(4).

(b) The Superintendent shall evenly divide the appropriation among the school leaders who meet the requirements of this Subsection (5).

(6) The Superintendent may award incentive pay to a school leader described in Subsection (5) for up to five years.

**R277-920-9. School Recognition and Reward Program.**

(1) The Superintendent shall distribute school recognition and reward program money to the principal of an eligible school:

(a) in accordance with Section 53A-1-1208; and

(b) within 30 days of the Board's official release of school grades for the year the eligible school is eligible for an award of money.

(2) The Superintendent shall notify the principal of an eligible school within 15 days of the Board's official release of school grades:

(a) that the eligible school is eligible for an award of money pursuant to Section 53A-1-1208; and

(b) of the amount of the award that the eligible school will receive.

(3) In accordance with Section 53A-1-1208, the principal shall distribute the money received under Subsection (1):

(a) to each educator assigned to the school for all of the years the school participated in the school turnaround program; and

(b) in a pro-rated manner to each educator assigned to the school for less time than the school participated in the school turnaround program.

**KEY: school, improvement, leader**

**Date of Enactment of Last Substantive Amendment: 2015**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3); Title 53A-1-12**